



RESTRICTION REQUIREMENT- EXAMINING GROUP 1617

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PATENT

5-20-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard L. Dunn
Serial No.: 09/060,047
Filed: April 14, 1998
Title: EMULSIONS FOR IN-SITU DELIVERY SYSTEMS

Examiner: E. Webman
Group Art Unit: 1617
Docket: 1195.157US1

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

In the Communication issued April 10, 2000, the Examiner stated that since Applicant elected a non-aqueous carrier, Applicant also must elect certain additional species. Consequently, according to the Examiner's designations of three additional groups, Applicant responds as follows:

- 1) For claims 6-10, Applicant elects a low melting wax, beeswax;
- 2) For the matrix, Applicant elects d) a composition with a polymeric matrix material;
- 3) For the polymer, Applicant elects lactides and copolymers thereof.

Applicant traverses the requirement for election of the species listed in items 1 and 3 above. The carriers including waxes, oils, fats and lipids are similar in nature, the differences primarily being in molecular weight. A search of one kind will reveal references disclosing all kinds.

The situation with polymers is similar. A search will reveal such prior art patents as U.S. Patent No. 4,938,763 which discloses all the polymers listed.

For these reasons it is submitted that the election of species should be modified to require designation of an aqueous or non-aqueous carrier and a polymeric or non-polymeric matrix. The other species designations do not establish meaningful differences since the various compounds listed are so similar that a search for one kind will reveal all kinds.

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Applicant respectfully requests a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicant's attorney (612- 373-6939) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.



Respectfully submitted,

Richard L. Dunn

By his Representatives,

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Date May 2, 2000

By

Albin J. Nelson

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on May 3rd, 2000.

Robert J. Harris

Signature

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